March 6, 2015

MEMORANDUM TO: James P. Flanagan, Director
Office of Information Services

FROM: Darren B. Ash ***/RA/***
Deputy Executive Director
for Corporate Management
Office of the Executive Director for Operations

SUBJECT: SENSITIVE INFORMATION CONTROL

The U.S. Nuclear Regulatory Commission (NRC) recognizes the importance of a strong, responsive Freedom of Information Act (FOIA) program. The NRC also recognizes the importance of appropriately marking and protecting sensitive information under the auspices of its Sensitive Unclassified Non-Safeguards Information (SUNSI) program. Although there are distinct rules that govern both programs, guidance and training can be improved to best support NRC staff. In July 2013, the Office of the Executive Director for Operations (OEDO) encouraged the formation of a working group to review the two programs and provide recommendations that will promote consistency in the treatment of information, in placing documents into the Agencywide Documents Access and Management System, in responding to the FOIA requests, and to address recent lessons learned for both programs. The working group was overseen by a cross-office steering committee.

The results of the working group were compiled and presented to the Deputy Executive Directors for Operations and the Assistant for Operations on January 8, 2015. On behalf of the OEDO, I deeply appreciate the work of the steering committee and working group members. We believe that the recommendations are well grounded, and when implemented, will result in improvements to the FOIA, SUNSI, and later, the Controlled Unclassified Information programs.

By way of this tasking memorandum, the OEDO endorses the following recommendations from the report, which should be implemented with urgency:

- Develop new guidance on SUNSI and FOIA relationship. (#1)
- Update SUNSI guidance documents. (#2)
- Remove outdated web resources on FOIA and SUNSI. (#3)
- Keep SUNSI and FOIA guidance up to date. (#5)

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- Issue agencywide communication on SUNSI and FOIA. (#6)
- FOIA response kick-off meetings and materials. (#15)
- Level of management review for release and withholding. (#20)
- Improved training on SUNSI and FOIA. (#21)
- SUNSI designation based on input from other governmental agencies. (#24)
- Develop guidance for marking of SUNSI obtained from licensees, applicants, vendors, etc. (#25)

The remaining recommendations may be implemented over time, as resources allow.

Tasking

The Office of Information Services (OIS) will work with its partner offices, to include the program offices, regional offices, and the offices of the Chief Financial Officer, General Counsel and the Chief Human Capital Officer to determine the schedule and key milestones, bargaining obligations, and necessary resources to implement the endorsed recommendations. In developing the proposal, OIS will work with its partner offices to identify what agency work, if any, will not be completed or will be delayed along with the impacts in order to accomplish the recommendations. The proposed high level project plan, schedule, resources, and impacts will be provided to the OEDO within 60 days of the issuance of this tasking memorandum.

OIS will consult with members of the working group and steering committee as it plans and scopes the work.

Enclosure:
Recommendations to Address Findings

cc: M. Satorius, EDO
M. Doane, OGC
M. Wylie, CFO
A. Vietti-Cook, SECY
M. Johnson, DEDR
M. Weber DEDMRT
M. Galloway, AO

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